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Notice of Allowability	Application No.	Applicant(s)	
	10/648,060	GROSS, STEPHEN F.	
	Examiner	Art Unit	
	Gregory E. Webb	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/24/03.
2. ☒ The allowed claim(s) is/are 1-52.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |



Gregory E. Webb
Primary Examiner
Art Unit: 1751

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Trzaska on 6/23/04.

The application has been amended as follows:

On page 1 of the specification, line 5, after the term "03/05/99," please insert the phrase -- now abandoned,--

On page 1 of the specification, line 6, after the end of the sentence please insert the following new sentence: -- This application is also a continuation of serial number 09/359,555, filed 07/22/1999, now abandoned and a continuation of serial number 09/643,141 filed 8/22/00, now abandoned.--

In claim 9, line 3 please delete "primary solvent" and insert therein --C₁-C₄ alkyl ester of a C₆-C₂₂ saturated or unsaturated carboxylic acid--

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In claim 27, lines 3-4, please delete ", a linear alcohol ethoxylate, a nonyl phenol ethoxylate, a fatty amide, a fatty amine ethoxylate, a sorbitan ester, a glycerol ester or a combination thereof"

The claims have been modified to more clearly define the applicant's primary solvent of claim 9. Claim 27 has been modified to delete non-ionic surfactants specifically excluded by the parent claim.

2. Claims 1-52 are allowed.
3. The following is an examiner's statement of reasons for allowance: The closest prior art was found to be VanEenam (US 5,080,831), VanEenam (US 5,585,341), Bergemann et al (US 6,096,699), and Swenson et al (US 5,391,325).
4. Both VanEenam references teach solvent microemulsions containing anionic surfactants and co-surfactants, and free of non-ionic surfactants. VanEenam however fails to teach the specific use of the applicant's claimed fatty acid esters.
5. Swenson teaches compositions containing the applicant's claimed fatty acid esters. However Swenson teaches compositions with cationic and nonionic surfactants. Swenson fails to teach the use of any anionic surfactants as required by the applicant's instant claims.
6. Bergemann teaches compositions containing the applicant's claimed fatty acid esters and co-surfactants. Bergemann however fails to teach compositions that are both void of non-ionic surfactants and containing anionic surfactants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'G. Webb', with a large, stylized initial 'G'.

Gregory E. Webb
Primary Examiner
Art Unit 1751

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